

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

Filed at 12:30 P.M.
5/22, 2014
WLS
Deputy Clerk, U.S. District Court
Middle District of Georgia

MINNESOTA LIFE INSURANCE)
COMPANY)

Plaintiff)

v.)

CIVIL ACTION FILE NO.

1:14-CV-00011-WLS

HATTIE J. CREASY; KENNETH W.)
CREASY; and JANA C. JONES,)
individually and as Administrator of the)
Estate of Jeffrey L. Creasy; and)
DEBRA L. BOUGHNER)

Defendants)

CONSENT ORDER

Having considered the parties' joint motion for discharge of interpleader plaintiff MINNESOTA LIFE INSURANCE COMPANY ("Minnesota Life") from further liability under Group Policy No. 33352-G ("the Group Policy") due to the death of Jeffrey L. Creasy ("the Insured"), for a permanent injunction, to dismiss this action with prejudice, and for disbursement of the interpleader fund, for good cause shown and all parties consenting hereto, it is hereby ORDERED that:

(1) Minnesota Life, having deposited into the registry of the Court the sum of \$65,464, representing the death benefits payable under the Group Policy in the amount of \$63,000 plus interest of \$2,464, is hereby discharged from any further liability under the Group Policy by reason of the death of the Insured;

(2) Defendants, Hattie J. Creasy, Kenneth W. Creasy, Jana C. Jones, individually and as Administrator of the Estate of Jeffrey L. Creasy, and Debra L. Boughner, are hereby permanently restrained from instituting or prosecuting any other proceeding against Minnesota Life in any State or United States Court pertaining to the death benefits or interest under the Group Policy by reason of the death of the Insured, including, but not limited to, the action currently pending in the Superior Court of Dougherty County, Georgia, styled as *Debra L. Boughner v. Janie C. Jones, Individually and as Personal Representative of the Estate of Jeffery L. Creasy and Minnesota Life*, a Securian Company, Civil Action File No. 2013-CV-2035-1 (“the superior court action”);

(3) Within 10 days of the entry of this Court’s consent order granting the instant consent motion for discharge, defendant Debra L. Boughner shall file a notice of dismissal with prejudice of the superior court action;

(4) The Clerk of Court is hereby authorized and directed to draw checks on the funds on deposit in the registry of this Court, upon receipt of an executed W-9 form from each payee, as follows:

(a) A check in the amount of \$5,500, as an award of attorney’s fees in connection with the bringing of this action, payable to “Minnesota Life Insurance Company,” to be mailed to one of its attorneys, Jennifer Noland Rathman, Smith Moore Leatherwood LLP, 1180 West Peachtree Street, Suite 2300, Atlanta, Georgia 30309;

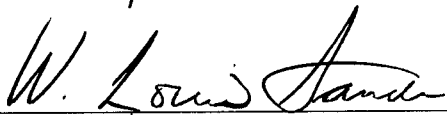
(b) A check for \$19,988, plus ½ of any interest accrued after the deposit into the Court registry, payable to “Perry & Walters, LLP, as attorneys for Hattie J.

Creasy, Kenneth W. Creasy and Jana C. Jones, individually and as Administrator of the Estate of Jeffrey L. Creasy,” to be mailed to their attorney, Richard W. Fields, Perry & Walters, LLP, 212 N. Westover Blvd., P.O. Box 71209, Albany, Georgia 31708;

(c) A check for \$39,976, plus ½ of any interest accrued after the deposit into the Court registry, payable to “Henry E. Williams, as attorney for Debra L. Boughner,” to be mailed to Henry E. Williams, McCall Williams, LLC, P.O. Box 71747, Albany, GA 31708-1747; and

(5) This civil action is hereby dismissed with prejudice.

SO ORDERED, this 21st day of May, 2014.



W. Louis Sands
U.S. DISTRICT COURT JUDGE

Order presented by:

Attorneys for Plaintiff

s/ H. Sanders Carter, Jr.

H. Sanders Carter, Jr.

Georgia Bar No. 114100

s/ Jennifer Noland Rathman

Jennifer Noland Rathman

Georgia Bar No. 411044

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Consented to:

***Attorney for Defendants Hattie J. Creasy, Kenneth W. Creasy,
and Jana C. Jones, individually, and as the Administrator of
the Estate of Jeffrey L. Creasy***

s/ Richard W. Fields
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/s Henry E. Williams
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